

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 10TH APRIL 2007 / 20TH CHAITHRA 1929

WP(C).No. 10842 of 2007(N)

PETITIONER:

1. K.AVARAN KOYA HAJI, S/O.ABDUL KHADER,
RESIDING AT KHALEEFANTAKAM, P.O.NALLALAM,
KOZHIKODE-673 027, PRESIDENT, KERALA NADAVATHUL
MUJAHIDEEN, NALLALAM UNIT, KOZHIKODE-673 027.
 2. M.ABDURAZAK, S/O.KUNHIMARAKKAR,
RESIDING AT MADAKKARA HOUSE, P.O.NALLALAM,
KOZHIKODE-673 027, SECRETARY, KERALA NADAVATHUL
MUJAHIDEEN, NALLALAM UNIT, KOZHIKODE-673 027.
- BY ADV. SRI.P.N.RAVINDRAN
SMT.PREETHY KARUNAKARAN
SMT.MEENA.A.
SMT.M.R.MINI
SRI.JAYKAR.K.S.

RESPONDENTS:

1. COMMISSIONER OF POLICE, KOZHIKODE.
2. CIRCLE INSPECTOR OF POLICE,
CHERUVANNUR, KOZHIKODE.
3. SUB INSPECTOR OF POLICE,
NALLALAM, KOZHIKODE.
4. M.V.SEETHIKUTTY, S/O.M.V.MUHAMMED,
V.P.HOUSE, P.O.KALLAI, KOZHIKODE-673 003.
5. P.ABDUL LATHEEF, S/O.MOINKUTTY,
SAKKEER NIVAS, K.P.LANE, VALIYANGADI,
KOZHIKODE, PIN-673 001.
6. CHONARI SIDDIQ, S/O.CHEKKU,
VELLATHUMPADAM, JAYANTHI ROAD,
NALLALAM, KOZHIKODE-673 027.
7. KANNARAMBATH SHINAS, S/O.MOIDEEN KOYA,
KALAMARA, CHOPPAMKANDI ROAD,
NALLALAM, KOZHIKODE-673 027.

8. KOLAKULATH ABDUSSALAM, S/O.ABDUL KHADER,
KINARKANDIYIL, JAYANTHI ROAD, NALLALAM,
KOZHIKODE-673 027.
9. M.V.SAIDU MUHAMMED, S/O.IMBICHAMMU,
KALATHUMMARAM HOUSE, ASHARIKADAVU ROAD,
NALLALAM, KOZHIKODE-673 027.
- 10.ABDURAHEEM @ BAVA, S/O.ABOOBACKER,
NEERAVAYAL, KUNNUMMAL, NALLALAM,
KOZHIKODE-673 027.

BY ADV. SRI.C.KHALID
SRI.N.GOPINATHA PANICKER
SRI.R.O.MUHAMED SHEMEEM
R1 TO 3 BY GP SHRI P.A. SALIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 10/04/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WPC NO.10842/2007 - APPENDIX

PETITIONERS' EXHIBITS:

- EXT.P1 - TRUE COPY OF MEMORANDUM OF ASSOCIATION OF THE KERALA NADVATHUL MUJAHIDEEN.
- EXT.P2 - TRUE COPY OF THE PLAINT INO.S. NO.102 OF 2006 ON THE FILE OF THE ADDITIONAL MUNSIFF'S COURT-I, KOZHIKODE.
- EXT.P3 - TRUE COPY OF I.A. NO.849/2006 IN O.S.NO.102 OF 2006 ON THE FILE OF THE ADDITIOINAL MUNSIFF'S COURT-I, KOZHIKODE.
- EXT.P4 - TRUE COPY OF ORDER DATED 8.3.2006 IN I.A.NO.849 OF 2006 IN O.S.NO.102 OF 2006 ON THE FILE OF THE ADDITIONAL MUNSIFF'S COURT I, KOZHIKODE
- EXT.P5 - TRUE COPY OF PETITION DATED 7.12.2006 SUBMITTED BY THE FIRST PETITOINER TO THE COMMISSIONER OF POLICE, KOZHIKODE.
- EXT.P6 - TRUE COPY OF PETITION DATED 5.3.2007 SUBMITTED BY THE SECOND PETITIONER TO THE CIRCLE INSPRECTOR OF POLICE, CHERUVANNUR.
- EXT.P7 - TRUE COPY OF PETITION DATED 5.3.2007 SUBMITTED BY THE SECOND PETITIONER TO THE CIRCLE INSPECTOR OF POLICE, CHERUVANNUR.
- EXT.P8 - TRUE COPY OF PETITION DATED 11.3.2007 SUBMITTED BY THE MUKRI OF THE MASJIDUL MUJAHIDEEN MOSQUE TO THE CIRCLE INSPECTOR OF POLICE, CHERUVANNUR.

RESPONDENTS' EXHIBITS: NIL.

(TRUE COPY)

PS TO JUDGE

vaa

J.B.KOSHY & T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C)No.10842 OF 2007

Dated 10th April, 2007

JUDGMENT

Koshy,J.

This is a petition for police protection. According to the petitioners, they are President and Secretary of the Nallalam Unit of the “Kerala Nadvathul Mujahideen”. An application for interim injunction filed by respondents 4 and 5 was dismissed, but, the suit is pending. Government Pleader submitted that several civil and criminal cases are pending. In a petition filed under Article 226 of the Constitution of India we are not deciding the disputed questions, that too pending in civil court as the matter has to be finally decided after adducing evidence. It is also submitted by the Government Pleader that proceedings are pending before the Sub Divisional Magistrate also. Therefore, the matter has to be decided by the statutory authority or by the civil court where the cases are pending. So, without expressing any opinion on the merits of the matter, we direct the police to see that law and order is maintained and lives of the parties are not endangered.

The writ petition is disposed of accordingly.

**J.B.KOSHY
JUDGE**

**T.R.RAMACHANDRAN NAIR
JUDGE**

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